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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

JOHN WEBER; GAYLE WEBER; CLUB
FITNESS, INC.; PETER ROSS WEBER;
YOLANDA ALTAGRACIA COSME DE
WEBER; COMPOSTELA LIMITED, LLC;
DAVID ELTON; ALYCE WEBER; JAMES
BLAISDELL; BRYSON OCKEY; KRISTINE
OCKEY; CLAUDIA GRIFFIN; ERIC
STAMM; THE BETTY L. GRIFFIN 1999
REVOCABLE TRUST;

Plaintiffs,

v.

COLLIERS INTERNATIONAL GROUP,
INC.; COLLIERS INTERNATIONAL
HOLDINGS (USA), INC.; COLLIERS
INTERNATIONAL INTERMOUNTAIN,
LLC; KEVIN LONG; MILLCREEK
COMMERCIAL PROPERTIES, LLC;
MILLROCK INVESTMENT FUND 1, LLC;
MILLROCK INVESTMENT FUND 1
MANAGEMENT, LLC; BLAKE
MCDUGAL; SPENCER TAYLOR;
SPENCER STRONG; BRENT SMITH;

**MOTION FOR ADDITIONAL TIME TO
SERVE AMENDED COMPLAINT**

Case No. 2:25-cv-00162

Judge David Barlow

MARK MACHLIS; GREEN IVY REALTY, INC.; 13 INVESTMENTS, LLC; LADY MIRA BLUE MACHLIS; THOMAS SMITH; LEW CRAMER; MATTHEW HAWKINS; GIL BOROK; DAVID JOSKER; JERALD ADAM LONG; KGL REAL ESTATE DEVELOPMENT, PLLC; SMART COVE, LLC; GTR HOLDINGS, LLC; LONG HOLDINGS, LLC; KGL ADVISORS, LLC; MARY STREET; CAMS REALTY, LLC; MOUNTAIN WEST COMMERCIAL, LLC; STEVE CATON; SARC DRAPER, LLC; ROBERT M. LEVENSON BLACKACRE 1031 EXCHANGE SERVICES LLC; ADP-MILLCREEK 2, LLC; ADP-MILLCREEK 3, LLC;

Defendants.

By and through undersigned counsel and pursuant to Fed R. Civ. P. 4(m), Plaintiffs respectfully move the Court to extend the time to serve their Amended Complaint by 60 days on those Defendants not yet served.

RELIEF REQUESTED AND GROUNDS FOR RELIEF

Plaintiffs request the Court extend, by 60 days, the time for them to serve their Amended Complaint on the following Defendants: Colliers International Group, Inc.; Colliers International Holdings (USA), Inc.; Kevin Long; Millcreek Commercial Properties LLC; Millrock Investment Fund 1, LLC; Millrock Investment Fund 1 Management, LLC; Brent Smith; Thomas Smith; Lew Cramer; Jerald Adam Long; KGL Real Estate Development, PLLC; KGL Advisors, LLC; Steve Caton; SARC Draper, LLC;

ADP-Millcreek 2, LLC; ADP-Millcreek 3, LLC; Matthew Hawkins; Gil Borok; David Josker; Smart Cove; GTR Holdings; Long Holdings; Robert M. Levenson; and Blackacre 1031 Exchange Services.

Under Fed. R. Civ. P. 4(m), a plaintiff must serve their complaint on the defendants within 90 days. If not, upon a showing of good cause, “the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). Even if good cause is not shown, the court may still in its discretion grant a “permissive extension” after considering factors such as whether plaintiff has made a good-faith attempt to serve, whether the defendant has actual notice of the claims, and whether a defendant can show actual prejudice caused by the delay in service. *McClellan v. Bd. of Cnty. Comm'rs of Tulsa Cnty.*, 261 F.R.D. 595, 604–05 (N.D. Okla. 2009). The Amended Complaint was filed on March 4, 2025. The 90-day period expires on June 2, 2025.

Good cause exists to extend the time for Plaintiffs to serve remaining Defendants. Since the filing of the Amended Complaint, Plaintiffs have made and are making diligent efforts to serve all Defendants. Defendants Colliers International Intermountain, CAMS Realty, LLC, Mary Street, Spencer Strong, Blake McDougal, 13 Investments, LLC, Green Ivy Realty, Inc., Mark Machlis, Lady Mira Blue Machlis, Mountain West Commercial LLC have already been successfully served or accepted waivers of service.

Plaintiffs continue to make diligent efforts to serve the remaining Defendants, including by the following:

- Defendants Colliers International Group, Inc. and Colliers International Holdings (USA), Inc. are parent companies of Defendant Colliers International Intermountain, LLC. Plaintiffs contacted Colliers International Intermountain, LLC's counsel to request a waiver of service with respect to the parent companies, but counsel indicated they would not be representing the parent companies. Plaintiffs now intend to serve the parent companies directly. Plaintiffs believe these Defendants likely have actual notice of the Amended Complaint and the claims against them.
- Defendants Lew Cramer, Matthew Hawkins, Gil Borok, and David Josker are executives of the Colliers parent companies. Because the existing Colliers' counsel indicated they do not intend to accept service on behalf of the parent companies, Plaintiffs intend to serve these Defendants directly; however, their efforts are complicated by the fact that, as semi-public figures, personal service on these Defendants is relatively difficult. Plaintiffs believe that these Defendants likely have actual notice of the Amended Complaint and the claims against them.
- Lew Cramer is a principal of Colliers International Intermountain, LLC. Plaintiffs contacted Colliers International Intermountain, LLC asking if they

would accept or waive service for Defendant Cramer. Colliers' counsel indicated they do not intend to accept service on behalf of Mr. Cramer. Plaintiffs intend to serve Defendant Cramer directly; however, their efforts are complicated by the fact that, as a semi-public figure, personal service on this Defendant is relatively difficult. Plaintiffs believe this Defendant likely has actual notice of the Amended Complaint and the claims against them.

- Kevin Long is the registered agent of Defendants KGL Advisors LLC, KGL Real Estate Development PLLC, and Millrock Investment Fund 1 Management LLC. He is also believed to be the agent and representative of Defendants ADP-Millcreek 2 LLC and ADP-Millcreek 3 LLC. Plaintiffs have attempted to serve Kevin Long personally as agent of these Defendants five times but attempts have not yet been successful. It appears Kevin Long may be avoiding service. Plaintiffs intend to continue their attempts and potentially move for alternative service on these entities. Plaintiffs believe that these Defendants likely have actual notice of the Amended Complaint and the claims against them.
- Plaintiffs have attempted to serve Defendant Robert Levenson personally and as the registered agent of Defendant Blackacre 1031 Exchange Services but the attempt was not successful. Plaintiffs contracted a private investigator to locate a potential service address; service to this address determined that the house was vacant. Plaintiffs intend to move for alternative service.

- Plaintiffs have attempted to serve Defendant Jerald Adam Long individually and as principal of Defendant Long Holdings, LLC but have not yet been successful. Plaintiffs intend to serve these Defendants at an alternative address and/or seek service by alternative means. Plaintiffs believe that these Defendants likely have actual notice of the Amended Complaint and the claims against them.
- Millcreek Commercial Properties has been named as a defendant in substantially related cases where its counsel has withdrawn. In at least one such case, Millcreek's default has been entered. Kevin Long is the registered agent for Millcreek Commercial Properties LLC. Plaintiffs have attempted to serve him personally, as an agent of this Defendant, five times but attempts have not yet been successful. It appears Kevin Long may be avoiding service. Plaintiffs intend to continue their attempts and potentially move for alternative service on these entities. Plaintiffs believe that this Defendant likely has actual notice of the Amended Complaint and the claims against them.
- Plaintiffs delivered waivers of service to John Keiter, believed to be prior counsel of Defendants Millrock Investment Fund 1, LLC, Brent Smith, and Thomas Smith. Mr. Keiter declined to accept service but provided Plaintiffs with new contact information for these Defendants' current counsel, whom Plaintiffs have sent waivers of service by mail and are contacting regarding

service/waiver of service. Plaintiffs believe that these Defendants likely have actual notice of the Amended Complaint and the claims against them.

- Plaintiffs have searched for Defendant Steve Caton individually and as principal of Defendant SARC Draper, LLC, but have thus far not found a non-PO box address. Plaintiffs have contacted counsel believed to represent these Defendants with a waiver of service.
- Counsel for Defendant Smart Cove and Plaintiffs have communicated regarding a possible waiver of service. Plaintiffs believe that this Defendant likely has actual notice of the Amended Complaint and the claims against them.

As set forth above, Plaintiffs have exercised diligence in serving Defendants and continue to do so. Good cause exists to extend the time for service to be made on remaining Defendants so that Plaintiff's claims against them can be adjudicated on the merits.

RESPECTFULLY SUBMITTED this June 2, 2025.

DEISS LAW, P.C.

/s/ Corey D. Riley
Andrew G. Deiss
Corey D. Riley
Andrew D. Miller
Attorneys for Plaintiffs